



RECEIVED

APR 14 2003

TECH CENTER 1600/2900

#37
4-14-03
PATENT
2224-0142P
[Signature]

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Yukiko NAKANISHI et al. Conf.: 6638
Appl. No.: 09/145,987 Group: 1623
Filed: September 3, 1998 Examiner: Everett WHITE
For: CELLULOSE ACETATE AND DOPE CONTAINING THE SAME

REQUEST FOR WITHDRAWAL OF HOLDING OF NON-RESPONSIVENESS

Assistant Commissioner for Patents
Washington, DC 20231

April 11, 2003

Sir:

This is in response to the Office communication of April 7, 2003. In that communication, it was alleged that because Applicants have narrowed their claims to recite cellulose triacetate compounds, the RCE that was filed herein on October 15, 2002 is not responsive. The Examiner stated -- without providing authority for his assertion -- that an RCE "does not allow Applicants to change their invention". While it may be true that RCE practice cannot be used to direct the claims in an application to a separate and distinct invention, it is manifestly proper and usual to employ RCE practice to narrow the scope of claims!

In the present situation, the claims formerly referred to "cellulose acetate compounds" -- they did not refer to cellulose monoacetate compounds. The terminology "cellulose acetate compounds" is understood by those skilled in the art as being generic to cellulose monoacetate compounds, cellulose triacetate compounds, and other compounds that are acetylated cellulose derivatives. This generic usage of the terminology "cellulose acetate" is manifest from the specification herein. See for example the sentence

When a fiber is produced by spinning process, a cellulose diacetate or a cellulose triacetate is usually used as a cellulose acetate.

Specification, page 30, lines 22-25. Clearly, therefore, Applicants have not switched inventions -- they have simply reduced the scope of their claims, from the genus "cellulose acetate" to the species "cellulose triacetate".


It is requested that the holding of non-responsiveness be withdrawn, and that prosecution on the merits immediately resume with entry into the record and full consideration of the Amendment that was filed herein on September 13, 2002.


If the Examiner has any questions regarding the above matters, please contact Applicants' representative in the Washington metropolitan area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Raymond C. Stewart, #21,066

RCS/RG 
2224-0142P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000